

REMARKS

Status of the Claims

Claims 3 and 15-17 are pending in the present application with Claim 3 being independent. Claims 1, 2, 13 and 14 have been canceled without prejudice to or disclaimer of the subject matter.

Requested Action

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Claim Rejections

Claims 3, and 15-17 have been rejected under 35 U.S.C. § 102(e), as being anticipated by the patent to Tateyama et al.

This rejection is respectfully traversed for the following reasons.

Independent Claim 3 relates to a digital camera which can directly communicate with a printer. The camera comprises a receiving unit that receives capability information of the printer from the printer, a determination unit that (a) determines, according to the received capability information, whether the printer has a first function of automatically detecting a paper size, and (b) determines, according to the received capability information, whether the printer has a second function of automatically detecting a paper type, and a user interface that notifies a user that the printer has the first and second functions if the determination unit determines that the printer has the first and second functions.

In contrast the citation to Tateyama et al. is not understood to disclose or suggest a user interface that notifies a user that the printer has a first function of automatically detecting a paper size and a second function of automatically detecting a paper type if a determination unit determines that the printer has the first and second functions, as recited by Claim 3.

The Office Action identifies the electronic view finder 12 shown in Fig. 69 as the claimed user interface and cites column 25, lines 54-56 and Figure 41 to disclose that EVF 12 notifies a user that the printer has a first function of automatically detecting a paper size and a second function of automatically detecting a paper type if a determination unit determines that the printer has the first and second functions, as recited by Claim 3. But, column 25, lines 54-56 merely refer to the status type commands shown in Figure 41, and neither this passage nor any other part of this patent is understood to disclose that the commands shown in Figure 41 are displayed on the EVF12 or that the EVF 12 notifies a user that the printer has a first function of automatically detecting a paper size and a second function of automatically detecting a paper type if a determination unit determines that the printer has the first and second functions, as recited by Claim 3. Thus, column 25, lines 54-56 merely states:

More specifically, the "status" type commands include a command GetStatus to obtain the status of a printer and its response GetStatusResponse 50-1 and the like.

Since the Office has not established that this patent discloses or suggests a user interface that notifies a user that the printer has a first function of automatically detecting a paper size and a second function of automatically detecting a paper type if a determination unit determines that the printer has the first and second functions, as recited by Claim 3,

Applicants submit that the Office has not satisfied its burden of proof to establish the anticipation of Claim 3 over the patent to Tateyama et al. Therefore, Applicants respectfully request that the rejection of Claim 3 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Since this Amendment merely cancels non-elected claims, and since Claim 3 is not anticipated by the patent to Tateyama et al., as noted above, Applicants submit that this Amendment After Final Rejection clearly places the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form and entry of this Amendment is considered proper. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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